

REMARKS

The present application contains claims 1 to 12.

Claim Amendment

Applicant has amended claim 1 to include the limitation “the encrypted acceleration tunnel traversing a wireless network”. Support for the amendment may be found, at least, at page 10, line 17, and in Figures 4.

Applicant has further amended claims 1 and 7 to better describe the present invention. The amendment to the claims is fully supported by the application as originally filed. No new matter has been introduced by way of the amendment.

Applicant added new claim 12. Support for claim 12 may be found, at least, at page 8, lines 7-9.

Claim Objections

Applicant has amended claims 1 and 7 to correct the deficiency identified by the Office.

Claim Rejection under 35 USC §102

The Office rejected claims 1, 3, and 7 under 35 U.S.C. 102(e) as being anticipated by Travaly et al. (US Application 2002/0159441) hereinafter referred as Travaly.

Applicant respectfully traverses the rejection to the extent such rejection may be considered applicable to the amended claims. Travaly fails to disclose each and every feature of the claimed invention, as required by 35 U.S.C. §102(e), and provides no teaching that would have suggested the desirability of modification to include such features.

The present application as claimed is directed to a method of securely accelerating customer premises equipment based virtual private network transmissions over a carrier

network. An encrypted acceleration tunnel between a VPN acceleration client and a VPN acceleration server in response to a VPN acceleration client request for information is established. As is clear from the specification, the encrypted acceleration tunnel traverses a wireless network. The VPN acceleration client's address and required data information is transmitted to the VPN acceleration server over the encrypted acceleration tunnel. A VPN tunnel between the VPN acceleration server and a VPN switch accessing enterprise content servers is established, the enterprise content servers provide the required data information transmitted. The required data responding to the required data information from one of the enterprise content server is then communicated to the VPN switch. The required data from the VPN switch to the VPN acceleration server is transmitted over the VPN tunnel. The required data is accelerated, encrypted by the VPN acceleration server using wireless communication performance optimization, transmitted to the VPN acceleration client; and decrypted.

Travalvy describes digitization of work processes through the use of a wireless network with user wearable end devices. Specifically, Travalvy describes a system for digitization of work processes in a power plant having a gas turbine including a processor system with a controller.

Notwithstanding the fact that Travalvy is a non-analogous art, which is also reflected in the classification of Travalvy (370/352; 370/401) as compared to the classification of the present application (713/151), Travalvy does not teach or suggest, at least, following claimed features of the present application:

1. An acceleration tunnel traversing a wireless network

As claimed in claim 1, the method of the present application includes “establishing an encrypted acceleration tunnel between a VPN acceleration client and a VPN acceleration server [...] the encrypted acceleration tunnel traversing a wireless network”. This acceleration utilizes various wireless communication performance optimization techniques including compression, protocol optimization, caching, and traffic management. See page 3, lines 7-10, and page 8, lines 7-9 of the present application as originally filed, and claim 12. Therefore, it should be abundantly clear to a person skilled in the art that acceleration refers to wireless communication performance optimization.

Travalvy includes a VPN Accelerator 54, located between a VPN router 56 and an Ethernet hub 120 in Figure 5. However, there is no indication as to what the VPN Accelerator is or does. In fact, there is no description of numeral 54 in Travalvy. There is no reason for a person skilled in the art to reads this VPN Accelerator 54 as an accelerator for a wireless network . Therefore, Travalvy does not teach or suggest an “acceleration tunnel traversing a wireless network”.

2. Encryption

Furthermore, Travalvy does not teach or suggest the encryption of an acceleration tunnel traversing a wireless network. In fact, the word “encryption” or “encrypt” is never used in Travalvy.

The Office stated that encryption is inherent to VPN.

Applicant respectfully disagrees. It should be apparent to a person skilled in the art that VPN does not necessary employ encryption. Example includes VPN based on MPLS, as claimed in claims 5 and 9.

The Office also appears to interpret that the acceleration tunnel traversing a wireless network is a VPN tunnel. See paragraph bridging pages 4 and 5 of the Office Action.

This is not correct. As stated on page 9, lines 5-6 of the present application, the “encrypted acceleration tunnel [162] provides data encryption, but does not necessarily create a VPN tunnel.”

3. VPN switch and a plurality of enterprise content servers

The Office is silent as to where in Travalvy enterprise content servers are taught or suggested. Applicant notes that a power plant with a gas turbine is unrelated and non-analogous to a plurality of enterprise content servers. Accordingly, the interpretation that the router with VPN module 56 in Travalvy is a VPN switch is improper.

The Office interpreted that a plurality of the claimed features as being “inherent” and thus anticipated by Travalvy. This interpretation is improper and without basis. For example, as discussed above, encryption is not inherent to VPN. Transmission of

address, user name and password of a wireless client of an acceleration tunnel is not inherent to a VPN.

In order to properly anticipate Applicant's claimed invention under 35 U.S.C. §102, each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in ... the claim." See M.P.E.P. §2131 (8th Ed., Rev. 3, Aug. 2005), quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126,1236, 9 U.S.P.Q. 2d 191 3, 1920 (Fed. Cir. 1989). Finally, "[t]he elements must be arranged as required by the claim." § 2131 (8th Ed., 2005), p. 2100-76. Thus, there must be no difference between the claimed invention and the disclosure relied upon as anticipatory, as viewed by a person of ordinary skill in the field of the invention. *Scripps Clinic & Res. Found. v. Genentech Inc.*, 927 F2d 565, 18 USPQ2d 1001 (CAFC 1991).

Claim 3 is novel at least by virtue of its dependency and further distinguish the invention. The rejection to claim 3 is now moot.

Claim 7 is an independent claim directed to a server, and includes limitations which are not taught or suggested by Travaly, as discussed above.

Reconsideration and withdrawal of the rejection under 35 USC §102 is respectfully requested.

Rejection under 35 U.S.C §103

The Office rejected claims 2, 4-6, and 8-11 under 35 U.S.C. §103(a) as being unpatentable over Travaly.

Applicant respectfully traverses the rejection. As discussed above, Travaly fails to disclose or suggest the inventions defined by Applicant's claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

Applicant respectfully submits that 2, 4-6, and 8-11 are inventive at least by virtue of their dependencies and further distinguish the invention. The rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be

appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made regarding the cited art or the pending application.

Reconsideration and withdrawal of the rejection under 35 USC §103 is respectfully requested.

Applicant respectfully requests reconsideration of this application, based on the foregoing amendments and remarks.

Respectfully Submitted,

/Xiang Lu/

Xiang Lu
Registration No. 57,089

c/o GOWLING LAFLEUR HENDERSON LLP
160 Elgin Street, Suite 2600
Ottawa, Ontario
K1P 1C3
CANADA

Telephone: (613) 233-1781
Facsimile: (613) 563-9869